

\* The Bakery, Confectionery & Tobacco Workers International Union (BCT) seems to agree with Philip Morris on the need for reasonable accommodation of responsible indoor smoking.

\* BCT appears to emphasize:

- i) that employers and unions can actively work together in addressing workplace smoking issues;
- ii) that ventilation effectiveness and a building systems approach to indoor air issues should provide the overall framework for addressing both indoor smoking and overall indoor air quality in a particular workplace;  
*(ventilation, <sup>proper</sup> filtration, proper maintenance) etc.)*
- iii) that smoking policies of reasonable accommodation can range from unrestricted workplace smoking to restricted smoking in smoking lounges, depending upon the interests of both the smokers and nonsmokers in the workplace in question.  
*Note: a building systems approach means looking at the various factors that impact on air quality including proper ventilation, filtration, etc.)*

\* The core of our position is:

- i) that smoking is a lawful activity that is not subject to either a federal regulation or prohibition concerning the workplace -- [the EPA's recent risk assessment is

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not a regulation and has no direct regulatory effect on smoking in the workplace];

- ii) that the scientific data do not convincingly establish that adverse health effects are associated with workplace exposure to ETS -- [further, as former Secretary of Labor Lynn Martin emphasized on January 13, 1993, the EPA report focused not on the workplace but on the home environment]; and
- iii) that indoor smoking should recognize individual choice in the particular indoor environment through the policy and technology of reasonable accommodation.

\* As to the specific issue of workplace smoking, our position is:

- i) that private solutions tailored to the specific workplace are preferable to blanket federal regulation;
- ii) that the employees (through their union, if represented) and the employers should address smoking in their workplace through the policy and technology of reasonable accommodation of smokers and nonsmokers;

- iii) that the least restrictive measures, providing maximum flexibility and choice, should be pursued along the continuum of smoking options ranging from unrestricted smoking to smoking in designated lounges;
- iv) that once a policy is implemented, a complaint procedure should be available to promptly address and reasonably accommodate complaints from employees; and
- v) the question of indoor smoking should be considered as one part of the overall consideration of indoor air quality and total indoor environmental quality in the workplace.